

REMARKS

GENERAL REMARKS & CLAIM OBJECTIONS

The claim amendments that the Examiner requires in the current Office Action were already entered in the timely-filed Response to the Written Opinion filed in the parent PCT case. The Applicant is confused as to why the Examiner does not have a copy of this Response, since the PCT was filed in the US Receiving Office. The Applicant is reproducing those claim amendments here in order to address the Examiner's objections, and respectfully requests that the Examiner review the related PCT case prior to the next action or Notice of Allowance.

35 USC §102 AND 103

LAGROTTA ET AL. (US 6095482)

The Examiner considers claims 1-5, 7-9, 14, 16, 17, 19-23, 25-27, 32 and 34 to be anticipated by LaGrotta et al. The Examiner also considers claims 6, 15, 18, 24 and 33 to be obvious in view of LaGrotta. The applicant respectfully disagrees.

Claim 1 recites:

“A base assembly, comprising
a frame system;
a plurality of receiving members coupled to the frame system; and
at least one coupling apparatus, whereby the coupling apparatus is designed to couple or to facilitate coupling of the base assembly to a load component, and
wherein the base assembly provides consistent aeration and reasonably dry conditions under the load component.”

The specification states in the goals and achievements of the subject matter that the novelty of the subject matter of the present application is that the base assembly can support – either temporarily or permanently – the load component, while at the same time providing consistent aeration and reasonably dry conditions under the load component. (see page 7 of the original specification).

LaGrotta describes an equipment mounting structure that has solid and rigid sides and a solid bottom plate that is affixed to the sides. (see Claim 1) In columns 3 and 4 of LaGrotta – the inventors point out that the ballast or concrete that supports the equipment mounting structure with equipment is porous and therefore acts as a heat sink. Therefore, the heat from the equipment is not aerated from the equipment mounting structure, but is instead forced down into the concrete or porous ballast and into the earth. This setup can be disadvantageous if the concrete begins to crack

or split from the combined weight of the equipment, along with the heat from the equipment. The present base assembly does not suffer from these disadvantages, because the heat is immediately vented to the air from the base assembly – which provides a much more efficient heat dissipation method without subjecting the underlying support structure or concrete to additional heat strain. So, the inventors of the present application have surprisingly managed to invent a base assembly that can support a load component – either temporarily or permanently – while also providing consistent aeration and reasonably dry conditions under the load component.

LaGrotta does not teach all of the claimed elements of the present application. “Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W. L. Gore & Assocs. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundsciber Corp. v. United States*, 360 F.2d 954, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)) Further, the prior art reference must disclose each element of the claimed invention “arranged as in the claim”. *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). LaGrotta does not teach a base assembly that can support a load component – either temporarily or permanently – while also providing consistent aeration and reasonably dry conditions under the load component. Based on this argument, along with others such as that discussed above, LaGrotta does not anticipate claim 1 of the present application because LaGrotta is lacking and/or missing at least one specific feature or structural recitation found in the present application, and in claim 1. Claim 1 is therefore allowable as not being anticipated by LaGrotta. Further, LaGrotta does not anticipate claims 2-5, 7-9, 14, 16, 17, 19-23, 25-27, 32 and 34 of the present application by virtue of their dependency on claim 1.

LaGrotta also does not discuss or teach a base assembly that can support a load component – either temporarily or permanently – while also providing consistent aeration and reasonably dry conditions under the load component. Therefore, among other reasons, LaGrotta does not disclose or teach the claimed invention. Further, after a fair reading of LaGrotta, one with ordinary skill in the art of base assemblies would not be able to comprehend a base assembly that can support a load

component – either temporarily or permanently -- while also providing consistent aeration and reasonably dry conditions under the load component. And based on this argument, among others, claim 1 of the present application is not obvious in view of LaGrotta. Further, claims 6, 15, 18, 24 and 33 are not obvious in view of LaGrotta by virtue of their dependency on claim 1.

LAGROTTA ET AL. (US 6095482) IN COMBINATION WITH FORSHEE (US 4393999)

The Examiner considers claims 10-12 and 28-30 to be obvious in view of LaGrotta in combination with Forshee. The applicant respectfully disagrees.

The arguments regarding LaGrotta that are presented above are incorporated by reference in addressing this particular rejection. When reviewing the deficiencies of the LaGrotta reference, it is clear that the Forshee reference does not cure those deficiencies and is not being applied to repair those deficiencies. Therefore, for all of the reasons stated above, claim 1 is allowable as being patentable in view of LaGrotta in combination with Forshee. In addition, claims 10-12 and 28-30 are patentable by virtue of their dependency on claim 1.

REQUEST FOR ALLOWANCE

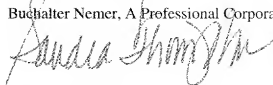
Claims 1-34 are pending in this application, and the Applicant respectfully requests that the Examiner reconsider the claims in light of the arguments presented and allow all pending claims.

Respectfully submitted,

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